

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICAH ANDERSON,

Case No. 2:21-cv-01439-JAD-EJY

Plaintiff,

V.

SPONSER ENTERPRISE; AARON D. FORD;
ADMINISTRATION DEPARTMENT OF
NEVADA,

Defendants.

REPORT AND RECOMMENDATION

SPONSER ENTERPRISE; AARON D. FORD;
ADMINISTRATION DEPARTMENT OF
NEVADA,

Defendants.

10 On August 3, 2021 Plaintiff filed a proposed complaint with the Clerk of Court (ECF No. 1-
11 1), but did not submit an *in forma pauperis* application or pay the \$402 filing fee. Under 28 U.S.C.
12 § 1915(a)(1) and U.S. District Court for the District of Nevada Local Rule LSR 1-1, if Plaintiff is
13 “unable to prepay the fees in a civil case” he may apply to proceed *in forma pauperis*. The
14 application must be submitted on the form provided by the Court and “include a financial affidavit
15 disclosing the applicant’s income, assets, expenses, and liabilities.” LSR 1-1.

16 On August 11, 2021, this Court issued an Order providing Plaintiff through October 8, 2021
17 to “complete an application to proceed *in forma pauperis*” or “pay the full \$402 fee for filing.” ECF
18 No. 3 at 2. The Court also instructed the Clerk of Court to send Plaintiff the application to proceed
19 *in forma pauperis* for non-incarcerated litigants. *Id.* at 1. The Court explained that if Plaintiff failed
20 to comply with the Order, it would recommend dismissal of this case without prejudice. *Id.* at 2. As
21 of the date of this Recommendation, Plaintiff has not filed an *in forma pauperis* application or paid
22 the \$402 filing fee.

23 Therefore, and based on the foregoing history in this case, IT IS HEREBY
24 RECOMMENDED that this matter be dismissed without prejudice.

Dated this 13th day of October, 2021.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. In 1985, the Supreme Court held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).